

Newsmaker: Sonia Sotomayor



Judge Sonia Sotomayor is in the news as President Obama's nominee for the United States Supreme Court. If confirmed by the Senate, Judge Sotomayor would be only the third woman to serve on the High Court.

The Supreme Court is the only court created by the United States Constitution. The founding document authorizes Congress to create additional lower federal courts, which it has. The many district courts are trial courts, where factual and legal issues are confronted for the first time and trials are held. Appeals from those courts go the circuit courts, of which there are a dozen. The circuit courts sit in panels, generally of three judges but sometimes of more, and review errors that the parties assert were made in the district court.

Of the thousands of cases that go through the district courts and circuit courts every year, only about 80 are then heard by the Supreme Court, but that Court speaks with the ultimate authority. Generally, the nine justices of the Supreme Court hear each case together and then issue one or more opinions. The opinions set out the final decision and the various views of the justices.

When displeased with a decision of the Supreme Court as to how the Constitution or a statute should be interpreted, one mode of recourse is to amend the Constitution or the statute. That's no easy task, especially when the Constitution is the key, as it is in cases like *Roe v. Wade*. In today's highly politicized environment, some have found it easier to wait out the Court – hoping that a Court with different members will reach a different result. From that perspective, every appointment is important.

There are only nine justices on the Supreme Court at any one time, and they may serve for life, assuming good behavior. The first Supreme Court justices assumed the bench in 1789. Nearly two hundred years later, in 1981, the first woman to join the Court arrived in the person of Sandra Day O'Connor, the 102nd justice. Twelve years later, Ruth Bader Ginsburg joined the Court as the 107th justice and the second woman on the Court. If Judge Sotomayor is confirmed, she will be the 111th justice, the third female justice, and the first Hispanic justice.

Judge Sotomayor was born in the Bronx. After losing her father at a young age, she was raised, along with her brother, by a strong mother who valued education. Sotomayor was able to attend Princeton University, graduating *summa cum laude*, and then Yale Law School, where she was editor of the *Yale Law Review*. After graduation, Sotomayor worked as an assistant district attorney in New York for about five years and then joined a law firm, where she practiced civil - as opposed to criminal - law for several years.

President George H. W. Bush nominated Sotomayor to a federal district court judgeship in 1991 and she was confirmed the next year. She served as a district court judge until 1998, when her appointment to the circuit court was confirmed. It was President Bill Clinton who nominated Sotomayor to the Second Circuit Court of Appeals, the court which reviews cases arising in New York, Connecticut and Vermont. Both the appointment to the district court and the appointment to the circuit court are lifetime appointments and are subject to Senate confirmation.

All told, Sotomayor has approximately 30 years' experience as a lawyer or judge. If she is confirmed in August, as expected, she will likely join the Supreme Court immediately and make her first appearance in the courtroom – with her fellow justices - on September 9th. A case involving another female newsmaker, Hillary Clinton, has been specially set for that day. Thereafter, the usual term of the Court will begin on the first Monday in October.